

[Dr. Lanka Sundaram]

objection to it. But its practical operation would be such that the worker would not have the bargaining power and the power to sit with the employer fact to face and get justice done. The result will be that there will be a great amount of unrest.

I have seen things personally. In fact, I have appeared on behalf of my Union, one of the Unions in Andhra Desa, for 13 months in an Industrial Court, and have got no justice. My hon. friend Mr. Giri says: "Sit with the employer; he will give you justice."

New situations are developing. I am very much concerned with the possibility, the certainty of this legislation being used against the genuine Trade Union movement. If there is sabotage, I have no objection to the Government using this power. I am entirely with them, and support them to the extent one individual can support any Government.

Sir, you are yourself connected with the Trade Union movement. Last year in August an explosive situation on the Railways was developing. If something had happened about the strike, most of us would have been behind prison bars under the Essential Services Law.

I will give one or two instances from my own experience. In Anakapalli, the second big city in my constituency, the Municipal conservancy workers have been asking for certain privileges. And what are the privileges? First, the city has doubled in its population, size and extent during the past ten years, and they want a few more hands to be employed to relieve the work; second supply of uniforms; third, a little more basic wage; fourth, housing allowance, and so on. What is happening there? In fact, I know the next time I visit my constituency, end of this month, I may be behind the prison bars under the operation of this law, because for the past two years I have been fighting not only with the Municipality, but also with the Provincial Government on this question. What has happened there? My hon. friend Dr. Katju should listen to this particular point. I have seen arrest warrants issued against ordinary Municipal conservancy workers for having demanded these elementary rights. Children are helping their parents in the carrying of the night soil because they could not get the additional allotment of a few hands to cope with the increased work in the town which has doubled within the last ten years.

Shri Syamnandan Sahaya: Was it under the Preventive Detention Act?

Dr. Lanka Sundaram: No, the Essential Services Law which is mentioned in the Statement of Objects and Reasons. There is a number of inter-related preventive laws which is to be remembered in the present context, and if I am not mistaken, in the Statement of Objects and Reasons of the present Bill—I have got it here—it is clearly laid down:

"to interfere with the maintenance of Supplies and Services essential to the community."

It occurs to me that the remorseless process through which this particular law is going to operate will destroy the very basic foundations of genuine Trade Union movement in this country.

So, I do not propose to detain the House longer, because as a doctrinaire it is quite possible for people like me to expound the principles of individual liberty in relation to the State and so on and so forth. I have given you three categories. This Bill is of a bulldozer variety, if you will permit me to say so. I would rather as I have said earlier, that the Government come forward with a statement of exactly the categories of people against whom they want to enforce this Bill. It punishes the innocent. Under the sweeping powers it has got, it takes into count every category of people who have got possible genuine grievances against the State, against the community, against the operation of law and order. I have no more to say on this point. I again repeat, as a law-abiding citizen, I am for giving Government all the power it requires. I am prepared to consent to any demand for additional power provided that power is justified. To my mind it is not justifiable, I have quoted the hon. Chief Minister of Madras, and to the new psychosis which the hon. Home Minister is trying to create in this country. There is no emergency. If there is emergency, take the power. But since you want to bring in legislation of this character when there is no emergency, I ask you to make it a permanent law of the land. Then alone I will understand the proposition. You cannot have it both ways.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): We have listened to a large number of speeches in this debate. Many of them have been eloquent. Many have been full of individual instances, and sometimes personal autobiography. Many have referred to

democratic principles, and how this Bill is a breach of those principles. I confess, Sir, that I have had a feeling during this debate, a feeling of unreality as if—I say so with all respect to the House—we were discussing something that is not this particular Bill before the House, but something entirely different which we had in our minds, our own personal experiences, may be, or our future hopes of what we should do or should not do, and we have by-passed this Bill, the context of this Bill in the country, and even the language of this Bill. We have discussed these high concepts of democracy and I claim I have some feeling for democracy. Democracy as I know it is not merely a certain structure of government,—though that is important of course—it is not merely certain laws and the rest of it, though they are important also, but it is essentially a sense of values and standards in life. It is an organic growth, it is how you act, how you think, whether as an individual or a group or a nation. I do not mean to say everybody thinks alike or should think alike. But I do mean to say that there is a fundamental approach to political and other problems which may be called the democratic approach, and there are other approaches which are not democratic. Now if that is the test, let us examine not only this Bill, but the context of things in India from that point of view. That might lead us to some results and if there is anything basically wrong in the Bill, let us scrap it by all means.

So far as I am concerned, and so far as all my colleagues in the Cabinet are concerned, we gave the most earnest consideration to this measure as we have had to, because such a measure which apparently or really limits in a measure the normal freedom which the citizen enjoys must be looked at with the greatest care and it is right that this House should look upon it with the greatest care and vigilance. So we in the Cabinet considered it very carefully, considered the old Act as it was, considered the amendments that we wanted to bring in and finally came to certain conclusions. We came to the conclusion that it is necessary, not only desirable but necessary to have some such measure at the present moment in India, or if you like, to continue the old measure with certain important and basic changes in it. Now then if that was once agreed to or understood, then the other question remains as to what the changes should be, and how far we should go in ensuring that this Act or legislation was not misused. Hon. Members have pointed many cases

where according to them it was misused. I have no doubt—I do not know of those individual cases—that in many cases it may have been misused. I agree and I accept that for the moment without going into details. Let us again consider whether it is possible to prevent any such misuse in so far as we can assure that. Nobody can be absolutely certain, but we can have safeguards to prevent such misuse. But when one talks about misuse of a measure, one must not think in *vacuo* one must always think of the particular set of circumstances when that act was used. An hon. Member has pointed out 'Let us see what happened in Hyderabad and in the Telengana.' I accept that for the moment without analysing each case, and as I said, there were a number of cases of misuse, or if you like, of grave misuse.

Shri Vittal Rao (Khamman): What action has been taken against those who have misused it?

Shri Jawaharlal Nehru: But I should like the House to remember again the context of this—the context of the greatest misuse of any kind of liberty that an individual achieved in this country. The context was something near approaching war and challenges to the authority of the State, the context was civil war.

Shri Vittal Rao: Nothing of that kind.

Shri Jawaharlal Nehru: I do not wish to import any heat or passion in this debate. If they do not like the word 'war' I would not use it. The context was armed fight, with arms on both sides.

Shri Vittal Rao: What is there? It was armed self-defence.

Mr. Deputy-Speaker: I would not allow this kind of interruptions any more.

Shri Jawaharlal Nehru: I am putting it to the House. When arms are used on two sides by troops, that is normally called war, it may be civil war, it may be international war, or it may be a private war, if you like. Whatever that may be, arms were used and deliberately used, and if I may remind the House, up to this day there is a refusal to give up those arms. Is that not a very extraordinary thing? I accept that those arms are not used at the present moment. I accept that there is a great change for the better. Undoubtedly so. And if there is a great change for the better, I should like the House to consider how far the Government, which I have

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the honour to represent is to be given credit for that change for the better and the policy they have proceeded with. The change for the better has not come off by itself, but because a certain policy was pursued by this Government month after month and year after year under circumstances of great strain and stress. So, it is better, but even so the fact remains—and it is a large fact—that groups of persons in this country who are known to have arms want to lay down conditions before they lay down these arms. I have heard and the House also knows that there are all kinds of truce parleys in Pan Mun Jon. Are we supposed to be dealing with independent entities or independent nations here having arms, fighting the Republic of India and dealing with the Republic of India who say "on this condition we lay down arms only if you do this or that". Sir, it is an amazing conception. And hon. Members come here and talk of democratic principle and the freedom of speech and all that, when they possess arms. If you possess arms, and you do not give them up, why do you not give them up? It is because at the back of your mind you want to use them at some time or other. Why else? You want to use them under certain circumstances. Whatever that may be, I do not mean to say that hon. Members who have changed their policy recently do not mean to abide by that change. I accept that change, I welcome it, and I am glad of it, and I welcome them here, but I do say that undoubtedly at the back of their minds, there must be that thought. Otherwise why not deliver up those arms? I do not wish to lay any great stress on this matter, but I merely mentioned it in passing.

The point is that we are discussing this question in rather academic terms of—if I may call it so—the British nineteenth-century democracy. We are in the middle of the 20th century and in the territory of India. How far those terms are applicable *in vacuo* to any situation, I do not know. I accept hundred per cent. the basic principles of that democratic approach to life, that is a sense of democratic values and standards, and I hope that this Government which I have the honour to serve will always accept those principles and I hope other Governments that come will also agree with them, but that does not mean that we should merely think in terms of phrases and clichés forgetting those very principles which are represented by those terms and phrases. I ask, not only the Members of the Opposition but even

my colleagues on this side of the House, how many of us accept those basic values in life which are termed 'democracy'? And in the present moment especially when we talk of democracy, this structure of democracy, this spirit of democracy and this approach of democracy, how far and in what continents of this wide world, how many countries do that? I put it to this House to look at it and say how many countries in this wide continent of Asia do that or in Europe, for the matter of that? There are some, undoubtedly. But this whole concept is coming up against all kinds of inner difficulties. My hon. friends opposite or at least some of them will call it "inner contradictions". Well, I admit that whatever it is. Let us examine it. Let us not use a certain phrase in one context and act in a completely different way in another context. Here I am Prime Minister of this great country with a tremendous responsibility to shoulder, and with my colleagues sharing that responsibility. Are we merely, to appease somebody, to forget that responsibility?

The House knows very well that any Government that brings forward a Bill of this kind which can easily be attacked and which can easily be criticised, can make the Government unpopular and it is a matter, if I may say so, with all respect, of courage for a Government to bring forward such a Bill. (Applause and laughter). Hon. Members laugh. Their laughter, I am sorry to say, is rather cheap. One should not laugh too soon. Here a Bill like this could only be brought forward by a Government that feels an utter responsibility for the burden it shoulders. It may err, it may make mistakes; that is a different matter, we are all liable to err. But it can only do so if it feels that responsibility and wishes to discharge that responsibility, come what may. If the people of India do not want us, well they can push us out. It is all very well for an hon. Member here or there to issue challenges about the elections and the like. Surely we have had the elections only a little while ago; it is not so long. Surely this very Detention Act was very much harder then than the one we are now proposing; it was talked about and criticised by Members of the Opposition in this election campaign all the time.

Shri H. N. Mukerjee (Calcutta North-East): Was that an issue in the elections? Did any Congressman anywhere defend the Detention Act?

Shri Jawaharlal Nehru: Was this an issue? There were a hundred issues

in the election. If you want one, in my city of Allahabad the major issue was the Hindu Code Bill.

Pandit Thakur Das Bhargava (Gurgoan): In the whole country it was.

Shri Chattopadhyaya (Vijayavada): Where is it now?

Shri Jawaharlal Nehru: Where is it now! Hon. Members know that it is in the programme of Government and Government is going through with it. So in another place there was some other issue. In this great country, normally elections were governed by local issues, but this broad fact, the record of this Government generally and the record of this Government in regard to this particular Bill was talked *ad nauseam* in many places in this election. And yet the result of the election was what you see.

Hon. Members talk glibly about a police State. I put it to them, to think a little more calmly in their calmer moments, if there is the remotest justification for the use of that word in regard to the present structure of the Government of India. I put it to them to compare the structure with many other structures. It is not my function, nor do I like to criticise any other country; they are not my responsibility and it is unbecoming for me to criticise the ways or structure of a Government or the policies pursued by any other country, big or small. I do not know what their problems are. It may be that their way is right for their country; I cannot judge for them. I know what my problems are; I judge about it and I shall certainly refuse to submit to anyone imposing his way on me. That is a different matter. Therefore, I do not criticise, but I do submit, when you talk about a police State, look around all the countries in Asia, look around the countries of Europe. I do not say there are not some countries that have in a good measure this democratic setup that we are following; nevertheless, compare what India is and compare the functioning and the authoritarian ways—I am not saying it from the point of view of criticism, but mere comparison—of some countries, and what I object to, if I may say so, with all respect, is the use of this loose language. Was it a police State which had an election in which we were returned and in which the hon. Members opposite came in? So it is in this context that I should like this House to consider this.

Now, when you consider this Bill with a large number of individual cases or instances, good, bad or indifferent—let us treat them separately

if you like, let us give punishment where that is due, that is a separate thing entirely—but we have to consider this fact, whether in the totality of circumstances in India today it is desirable to have some measure like this in the armoury of the State's laws? If so, then the other question arises, how far we should try and safeguard the rights of the individual citizen, so that as far as human ingenuity can devise, he should not be subjected to harassment and injustice. Those are the two major questions to be considered.

Now, somehow or other this question has been dealt with rather as if this Bill was aimed at the activities or the future activities, if I may say so, of a certain group or party. Well I think that is a wrong view to take of it. I am perfectly straight about what I say. We have had in India, broadly speaking, four types of what I call anti-social activities. There is the communal activity—I am only referring to activities indulged in with violence, for the moment, not expressions of views—then there is the Communist activity—and when I say Communist I am not confining my words to the Communist Party's activities, it is a loose word I have used because there are so many groups and parties separate from one another, I do not know all their names, we can make a long list of them such as, R.S.P. etc. with all respect, is the use of this any number of groups which float in and out of the scene of action, which are under no discipline, not even their own discipline and which create an enormous amount of trouble—thirdly there are what I may call purely terrorist activities and lastly there are what I would call—broadly speaking again—the Jagirdari activities. These are the four main, violent approaches...

Shri Chattopadhyaya: What about Congress activities.....

Mr. Deputy-Speaker: The hon. Member will kindly control himself. (*Interruption*). No, no, I will not allow the hon. Member to interrupt like this. The hon. Member can speak.....

Shri Jawaharlal Nehru: The hon. Member can also make a long list of violent activities if he reads the reports in the courts everyday of cases going on. We are not talking of individual misdeeds. There may be—the hon. Member may be right—some cases of misbehaviour on the part of Congressmen. He may be right. Obviously, in the very nature of things, the Congress cannot, live apart

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from its training and principles, cannot live differently and indulge in mass violence. It is patent, on the face of it. It may indulge in wrong activity, it may indulge in occasional suppression of an individual. I mean the Government party. But let us examine it. These are the four beads and—I repeat them—Communal, then Communist—but as I said it goes beyond the Communist Party and the Communist Party is not responsible for all those marginal groups which function in this way—then terrorist and lastly Jagirdari.

Now, the other day an hon. Member opposite referring to what happened, I think, in Calcutta mentioned those "broad masses in action", "the sweep of history putting the masses in action!" Well, broad masses have been in action and have brought about big changes for good or bad. But to call the kind of thing we have seen in Calcutta or elsewhere occasionally as the broad masses in action, seems to me not only a complete mis-judgment of what is happening but a complete misuse of words. Let us take this Calcutta incident, that very thing, to which my hon. friend referred. It was a most amazing thing. The demand was that a certain assurance given by the Government of India and the Government of West Bengal in regard to a food problem in Calcutta and West Bengal had not been fulfilled. Now, on analysis we found that the question of fulfilment—if you like—or part of it would have come six months later. At that time every single part of that programme had been fulfilled by the Government of India and the West Bengal Government. Calcutta had plenty of wheat—not only wheat but rice. The question arose as to whether six months later a certain part of the programme would be fulfilled or not, and, if I may say so, a notice was issued that marches would take place to demonstrate. I was amazed because the reason for it was that the assurance of the Government of India had not been fulfilled. I was astounded because we had fulfilled it. The leaders of those people who had issued notices were sent for by the Chief Minister of West Bengal. He gave them facts and figures. They said, "You are right, you have fulfilled it." They agreed to it. They saw that their position was wrong. They went back and next day came back with that procession and there was this trouble. In a City like Calcutta hon. Members can well imagine that it is very easy for a hundred or two hundred or five hundred persons to create trouble, if they are so inclined. If that is called

the broad masses in action, I do not know the meaning of that phrase. I remember, two or three years ago, when, again, in Calcutta City—this great City of three or four million people, facing grave difficulties, terrible difficulties, because of the large influx from East Bengal, because of the housing problem, because of so many other difficulties—there was a state of semi-terror because every day some odd bomb would be thrown at somebody, at a policeman, at a shop, at a tram-car, tram-cars would be burnt. An extraordinary state of affairs that in a great city life should be interfered with and should be held up—the broad masses were functioning by occasionally throwing a bomb here or there or at a policeman! Just about that time I went to Calcutta and I saw the broad masses. They came to my meeting, a million of them, and at that very meeting a bomb was thrown, a live bomb, which resulted in the killing of a police inspector and two or three others as well as wounding the man who threw it. But that vast audience that was there behaved with discipline. I had told them beforehand. "It does not matter if there is murder or if anything happens, you must not move, you must behave with discipline, we will deal with the situation." And they behaved with discipline. And I spoke to them, and after that the broad masses began to take action against the bomb throwers. They did not like them at all, they said, "We are not going to be imposed upon by these individual terrorists", and all this stopped. That is what I call the broad masses in action against those elements who create trouble.

Now are you going to have the City of Calcutta or the City of Delhi or the City of Bombay held up by one hundred people or by five hundred or one thousand, and thus hold up the life of millions? I submit life would be impossible in these Cities if that happens. Here in the City of Delhi the other day—was it two or three weeks ago or a month ago—there was an incident, an entirely private affair, of some proposed marriage, in which nobody was greatly interested—whether it was right or wrong it was none of our concern. I never heard of it till these incidents occurred. Now, I observed certain elements in the City immediately go and start breaking the windows of the court-house, hitting people in Chandni Chowk and generally creating trouble. If the Delhi police had relaxed on that occasion, no doubt, disturbances would have spread and you would have found in large parts of Delhi this kind of thing happening. We had not forgotten yet what happened from Delhi up to

East Punjab and in the Pakistan areas from August to September and October, 1947. I shall never forget it, the horror of it which I saw whether it was in Pakistan, whether it was in East Punjab or whether it was in Delhi. People were incited to do this, good people incited to do this kind of inhuman things, barbarities. It is easy to incite them, and it is easy to do all these kinds of things. And if in the name of democracy you want to undermine all the structure, this proud structure of the democratic State we have built up, you are welcome to it, but that is not my conception of democracy.

Therefore we have to look at these things in this context of India as it is. Let us examine: It is our duty to protect the liberty of the individual to see that there is no misuse of the law, to see that there is every safeguard that we can think of provided, but let us also at the same time remember that the major safeguard that we have to think of is the safety of the country and the community. And it is that major responsibility that this Government has to shoulder, and to the best of its ability it is going to shoulder it. Unless the State is perfect and every individual is perfect there is always some conflict between the freedom of the individual and the needs and the security of the State. You have extreme cases, as you have in some countries, of the State being put above everything, above every single individual freedom—the State becomes the God there. We have in great countries those cases—it is not for me to criticise them. For my part I cherish the freedom of the individual. I do not want even in the name of the State the freedom of the individual to be crushed. But undoubtedly the freedom of certain individuals has to be curbed for the safety of the State, if occasion arises. After all in time of war every democratic country curbs the freedom of the individual because the State is in danger. I do not mean to say that we are living in times of war in India. Undoubtedly we have progressed a great deal—and many hon. Members of the Opposition have stated how greatly we have progressed in this respect and how stable our country is compared to many other countries. Probably, if they had been speaking in some other context they would have said that we have made no progress at all. In fact, they do say that, but in this particular context we get quite a number of bouquets about the progress we have made in stability and security. Well, I am grateful for those bouquets and we hope that we shall go further in that direction. But the essential question remains about the

conflict between the security of the State and the liberty of the individual and the line to be drawn varies according to circumstances. In war it goes far towards the State, in peace time it should go far towards the individual, the State always being there—you cannot ignore the State or endanger the State. Now, we have taken a good part of our Parliament and many of our laws too from the practice which has long prevailed in the United Kingdom. Hon. Members opposite refer to the practice in the United Kingdom in this matter or in any other, and rightly—they are perfectly entitled to do so.

Yet, I do submit that there is an essential difference between our country and that compact little island called England and Scotland, with a long background of disciplined behaviour, a long background of following certain conventions and laws and practices and imposing self-discipline, which I admire. Only in the last few years has our great country emerged from a state of servitude, struggling hard to make good, making good certainly here and there, advancing, sometimes stumbling, still picking itself up and going forward amidst all kinds of forces, all kinds of disruptive tendencies, whether they are provincial, State, or communal, religious, social or economic. We have to hold together and as I have stated before in this House, the basic thing that this House, this Parliament and this Government have to keep before them always is the integration of India—not geographically, not politically, the map is there, but an integration of minds and hearts, the psychological integration of the people of India. We have to consider the various problems in their particular context, whether it is linguistic provinces, or whether it is something else. But behind these problems you see these different pulls; you see these disruptive forces and so long as you do not get over these pulls and until all of us begin to think more and more in a unified way, there is always danger of perhaps, sometimes, the disruptive influences overcoming the country.

Therefore, it becomes necessary for us to look at this broad picture and looking at that broad picture, I came to the conclusion that some such measure is essential at the present moment. Having done so we gave serious thought to this measure before we placed it before this Parliament. It is another matter as to how the details are worked out by this House; but even in regard to those details we considered them with the greatest care. May be of course that something escaped our mind; other suggestions if

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they had been made we might have accepted them. Anyhow it is not like some Bills which are occasionally passed by us in a hurry. It is a very serious measure for us to rush through the House.

Hon. Members, some of them, said that in the Joint Committee not many changes have been made. It is true some important ones have been made. In the Joint Committee many changes have not been made, because before the Bill went to the Joint Committee many an informal Committee thought about it and talked about it and discussed it and looked at it from many aspects. Because it had passed through so many sieves of thought, it represented the concentrated effort of ours. Of course, that does not mean that it cannot be changed or improved. That is a different matter. But it does show that it was a carefully thought-out measure that was placed before this House and placed before the Joint Committee.

About one matter great stress has been laid—about lawyers and legal advice being available. I am afraid I am getting a bad reputation in that large and very estimable community of lawyers in India, because estimable as they are, I do not admire their profession. It is not their fault of course. It is the structure, the judicial structure that we have inherited from the British, which encourages inordinate delay, inordinate expense and anything however good it is, if it means delay and expense means injustice in the end. But I shall not go into that matter.

I would submit to the House that if you like to have a full-fledged trial have it by all means; but do not mix up these ideas. It is a peculiar mixture. Here you have, as suggested now, three eminent people, Judges of the High Court and the like, and the House knows very well that the Judges of the High Court and the Judges of the Supreme Court are not in the slightest bit dependent on the executive authority. They have been very critical of the executive authority. Therefore, whatever else might be said about them, they are not likely to favour executive authority in this matter. They will be impartial. They look at cases from their point of view. If you leave the burden on them and the accused goes before them and they speak to him, listen to him and get such other information as they can, they are much more likely to be favourably inclined and take a lenient view of the detenu or the proposed detenu.

If you convert it into a semi-trial, the Judge although he is responsible does not feel that sympathy for the person before him on account of the presence of the counsel on either side. Anyhow, how can you, I do submit, in all cases like this have this semi-trial staged there? If you have lawyers on the one side there are lawyers on the other too. Then, I submit that the whole purpose of this measure is defeated. Of course we must give the detenu or the proposed detenu facilities to go there, see them, and see what the charges against them are and such other facilities that might be possible. That is entirely a different matter.

There is another point which this House should consider. In normal trials the facts are established by evidence of witnesses or documents. Now, in the nature of things, in cases of this kind and it does not matter in what category the particular detenu falls in the four categories I put to this House.....

An Hon. Member: What about black-marketeers?

Shri Jawaharlal Nehru: My hon. friend reminds me of black-marketeers. In whatever category he falls the witness stands in danger of his life.

The House will remember that even in the last General Elections in Rajasthan and Saurashtra men were killed, openly killed, so that they might not vote for a particular party, that is the Congress, by the jagirdar elements there. It was openly stated in posters—it is not a hint that I am giving that he who votes for the Congress would be killed and many people were killed. Now, if that was so about voting, can you imagine then, if we have an enquiry into the Saurashtra affair in open court, where many jagirdars and princes are brought in, what the fate of that unhappy wretch would be who gives evidence against his boss, against the jagirdar or the prince. So that, on the face of it if you start doing this and bringing in this question of evidence, etc., you will either not get that evidence, or you will have to organise an enormous system of protection of individual witnesses and in effect you will have to put in detention practically every witness that you may have. So that the whole conception of this falls to the ground. Here the sole conception depends on two or three factors. I would beg the House for the moment to forget—for the moment, I say—to forget the past. Look at this Bill as it is, with its various safeguards.

Much has been said about the district magistrate, about the police. Now, I am not here as an apologist

for every district magistrate or every policeman. But I do submit to this House that it is not right and not fair to run down our services *en bloc* like this. There are good, and there may be bad and indifferent people—like all of us anywhere. But this method of running down people who have to shoulder heavy responsibilities and have often to face crises and difficult situations, who may occasionally make a mistake, make an error but who try to function according to the best of their lights. I submit, is not fair to them. They cannot answer back or explain their actions unless privately, if we ask.

Something has been said about our State Governments. Our State Governments too have to shoulder directly an immediate responsibility which we of the Government of India sitting in New Delhi do not. We have to shoulder the broad responsibility of India; they have to shoulder the responsibility of the day to day life of their people and their problems. And I should like to pay a tribute to our State Governments for the way they have discharged those responsibilities. And may I say specially, because I understand an hon. Member spoke harsh words about the Government of Saurashtra, that the Saurashtra Government is one of the most efficient and able Governments in India? I want to tell this House that the Saurashtra Government was so reluctant to take action in Saurashtra that repeatedly I had to write to the Chief Minister and tell him, "You must not allow the situation to develop, you must take action". And now I am told that he goes about arresting people and behaving like some Chengiz Khan or Tamurlane or what not, I do not understand. I do not know how many hon. Members know the Chief Minister of Saurashtra. He is one of the humblest and ablest and quietest of men in India.

So, these State Governments and our services have to deal with the situation. They may make mistakes. Let us make a law which will prevent that. Now, whether the district magistrate takes action straight off or not, almost in all cases except in a case of grave emergency he does not take action till he refers the matter to his Home Minister. The Home Minister comes into the picture there. Suppose in a case of emergency he does not refer it to the Home Minister. You provide for him to come into the picture in twelve days, or whatever it is. You Pandit Jawaharlal Nehru on the main becomes then of the State Government. You provide for reference to the Advisory Council. You provide for intimation to be sent to the Govern-

ment of India. And you provide for the Advisory Council to consist of three eminent Judges or persons of judicial experience. I submit that you may vary, add something or not to them. But I do submit that you have given quite enough safeguards to prevent injustice being done. And if suppose injustice is done, even so—as it might be done. I cannot guarantee it—surely, this House is here, the hon. Members of the Opposition are here. They will not let a single case go by without drawing the attention of the wide world to it, if injustice is done. And I welcome their drawing attention our attention, India's attention, to it. So that, it is here. And in State Governments there are Assemblies where attention will be drawn. So that, if you analyse it, it becomes an exceedingly difficult thing in this set of circumstances, first of all that injustice will be done, secondly that if any injustice is done it can endure for long. Somebody will have to be pulled up and it will have to be remedied.

I therefore submit that subject to such minor amendments and variations as in the judgment and wisdom of the House are to be accepted, the main approach of this Bill is not only right but is fully democratic.

Dr. S. P. Mookerjee (Calcutta South-East): Sir, the Prime Minister has spoken today very frankly, very eloquently, and there is much in the general estimate which he has made of the great problems which confront the country today with which I shall be in agreement. I shall deal with a few of them a little later.

But there is one aspect of his speech which I consider to be most unfortunate. He started by saying that the debate on this Bill has gone on and many irrelevant things have been mentioned but very little has been said about the provisions of the Bill.

Shri Jawaharlal Nehru: I did not use the word 'irrelevant'.

Dr. S. P. Mookerjee: Well, 'unnecessary'.

Shri Jawaharlal Nehru: 'Academic'. I said.

Dr. S. P. Mookerjee: Sir, I stand corrected. He said that many academic things were said. I am glad he reminded me about that, because his speech itself was an academic essay and was hardly relevant to the main provisions of the Bill.

Sir, what is it that we are discussing here? I would make an appeal to provide for that. The responsibility crux, the fundamental provision of the